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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------|-------------|----------------------------|----------------------------|------------------|
| 10/613,756 | 07/17/2003 | Marco Constantino Waterman | 30394-1097 | 5611 |
| 5179 | 7590 | 08/11/2004 | EXAMINER | |
| PEACOCK MYERS AND ADAMS P C | | | MORRISON, NASCHICA SANDERS | |
| P O BOX 26927 | | | ART UNIT | PAPER NUMBER |
| ALBUQUERQUE, NM 871256927 | | | 3632 | |

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|--------------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/613,756 | WATERMAN, MARCO CONSTANTINO | |
| | Examiner | Art Unit | |
| | Naschica S Morrison | 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

This is the first Office Action for serial number 10/613,756, Device for hanging up an object, filed on July 17, 2003. Claims 1-8 are pending.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: numeral 2' in Figure 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 4 recites the device comprising a spring element and appears to read only on the embodiment of Figure 6. However the elements of claim 1 (see lines 1, 2, and 8-10 especially) do not read on the embodiment of figure 6. Appropriate clarification/correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 6 and claim 8, line 3 the term "its" is indefinite as it is unclear which previously recited subject matter the applicant is referencing.

Claim 8 recites the limitation "the one of the parallel elements which is positioned outwardly" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,493,503 to Renne in view of U.S. Patent 4,563,796 to Kettlestrings. Regarding claims 1 and 3-8, Renne discloses a device (Fig. 4) comprising: two at least partially overlapping and substantially parallel, flat elements (18, 14) formed of a resilient material which imparts a spring force, the elements being movable with respect to each other; wherein the first element (18) extends upwardly and the end of the first element is positioned a short distance from a top rim (16) of the device; wherein the two elements are connected by a third element (12) provided at a side of the first element (18) that faces away from the second element (14); wherein the first element is pivotably and resiliently attached to the third element along a bottom rim and the second element is pivotably and resiliently attached along the top rim to the third element and extends downwardly; wherein the second element (14) is bent outwardly at a free end; and wherein a surface (at 12 generally) of the third element facing away from the first and second elements is capable of being used as a fastening surface. Renne does not teach the second element (18) including a thickening/spring element for clamping an object hung between the first and

second elements. Kettlestrings teaches a device (Fig. 2) comprising a first element (28) and a second element (22) including a thickening/spring element (32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the second element of Renne to include a thickening/spring element because one would have been motivated to provide a means for gripping thin objects located between the first and second elements as taught by Kettlestrings (col. 2, lines 59 ff.). Regarding claim 2, Renne does not teach the device being formed of plastic. Kettlestrings further teaches the device being formed of resilient plastics material (col. 2, lines 38-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device of Renne to be formed of plastic as taught by Kettlestrings because one would have been motivated to provide a device that is lightweight and less expensive to manufacture.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: 539127 to Gump; 2527151 to Rabasse et al; 2948940 to Degener; 3267546 to Kraft; 3309052 to Borisof; 3748815 to Parker; 4107823 to Siesto; 4440374 to Achille; 4903376 to Rousseau; 6067691 to Feltman; 6257422 to Rios

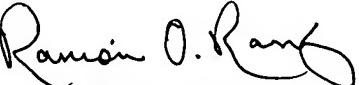
The above references disclose clip-like devices relevant to the present invention.

Art Unit: 3632

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 306-1113.


Naschica S. Morrison
Patent Examiner
Art Unit 3632
8/4/04


Ramon O. Ramirez
RAMON O. RAMIREZ
PRIMARY EXAMINER